

REMARKS

This application has been reviewed in light of the Office Action dated April 28, 2009. Claims 16-32 are pending in this application. Claims 16, 31, and 32 are in independent form and have been amended. Claims 1-15 were previously canceled in this application. Favorable reconsideration is respectfully requested.

The Office Action objected to the specification, requesting that paragraph 5 on page 7 be deleted as duplicative. As noted above, Applicants have deleted this paragraph and thank the Examiner for pointing out this error in the specification.

The Office Action rejected claims 16-32 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action stated that the claims were unclear regarding whether Applicants intended to claim both the front end and rear end as bearing against the bearing surface, or only the rear end bearing against the bearing surface. In response to this rejection, Applicants have amended claims 16, 31 and 32, to read “an elastic element having a front end and a rear end, wherein the rear end bears against the bearing surface of said movable member, said elastic element being designed to be a single element which biases said clamping ring against the head of said chuck when said advancing mechanism is in a rest position.” Applicants believe this rejection has been obviated and therefore respectfully request that this rejection be withdrawn.

The Office Action rejected claims 16-22, 24 and 26-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,022,772 (Kageyama et al.) in view of U.S. Patent No. 2,049,965 (Leistenschneider). In addition, the Office Action rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Kageyama in view of Leistenschneider, further in view of U.S. Patent No. 2,055,316 (Sharrow) and rejected claim 25 under 35 U.S.C. § 103(a) as being unpatentable over Kageyama in view of Leistenschneider, as discussed in regard to claim 24, and further in view of U.S. Patent No. 3,379,490 (Schwawartzman). Applicants respectfully traverse these rejections.

In response to the rejections described above, Applicants have amended claims 16, 31, and 32 to further limit the longitudinally movable member to include a feature directed to a “reservoir prolonged by a central duct allowing the passage of the leads one by one.” The

movable member having a reservoir is shown in Figure 1, and is described at least in paragraph [0046] of the publication (US2007/0134046) for this application. As shown in Figure 1, the lead reservoir (22b) has a central duct (24) which allows the passage of the leads toward the chuck, as explained at least in paragraph [0049]. In addition, Figure 2 shows that the lead (6) has a diameter less than the central duct (24).

Applicants have further amended claims 16, 31, and 32 to recite that the chuck (30) is connected to the movable member (20) in order to allow the passage of the lead (30) from the central duct (24) towards the head (32). Support for this feature can be found in the specification at least in paragraph [0049].

In addition, Applicants have further amended claims 16, 31, and 32 to recite that the elastic element is designed to be a single element which biases the clamping ring against the head of the chuck. The embodiments in the specification describe a single elastic element (the helicoidal spring 19) which pushes the clamping ring against the head (32) of the chuck, in an indirect manner by the front end (19a) which pushes the clamping ring (18) against the head (32) via the bush (40). Support for the feature directed to a single elastic element provided for clamping the head and allowing an elastic rearward movement of the lead when the user exercises an excessive pressure (cushion function) is provided in paragraphs [0004] and [0007] of the specification.

Kageyama, as understood by Applicants, discloses a mechanical pencil provided with a cushion function which allows the lead "S" to retract when an excessive pressure is exerted on the lead tip by the user. This function is performed by the sleeve (8) longitudinally movable within the barrel (2) and biased forwardly by an additional elastic element (the second cushion resilient body 12, col. 7, ll. 26-30). When the lead retracts, the chuck (9), the clamping ring (10), the sleeve (8), the first resilient body (11) and the lead (6) move rearward all together and the second cushion resilient body (12) is compressed.

As correctly noted by the Examiner, the independent claims are distinguishable over Kageyama in that the chuck is movable longitudinally with respect to the movable member over a defined stroke. In addition, the amended independent claims are distinguishable over Kageyama by the recitation of a single elastic element which biases the clamping ring against the head of the chuck. In Kageyama, both resilient members (11) and (12) push the sleeve (8) forwardly, and consequently bias the clamping ring (10) against the head of the chuck (9).

As explained in the specification of this patent application, the use of a single elastic element has advantages in terms of manufacturing cost and simplicity of the assembly.

Leistenschneider discloses a chuck made of three assembled parts (the chuck 0 and the lead passage 9 assembled by a crimped sleeve) which is effectively movable longitudinally with respect to the movable member 27 over a differed stroke. As correctly pointed out by the Examiner, that relative movement does not provide a cushion function, but is for the propose of preventing a lead jam at the exit of the lead reservoir. Applicants further note that Leistenschneider does not disclose a cushioning function, and moreover, no rear movement upon an excessive pressure on the lead is possible. In fact, the bush (7) in Leistenschneider is a stationary member securely fixed in the pencil casing (column 2, ll. 42-44) and then the clamping member (4) cannot move rearwardly.

Therefore, a person of ordinary skill in the art who wants to improve and to simplify the cushioning function of Kageyama, would not have taken into consideration Liestenschneider, which has no cushioning function at all.

Even if the person of ordinary skill in the art would have known the teaching of Leistenschneider relating to the jam preventing function of the rear end (36) of the chuck, such a person would have no reason to apply it to Kageyama of the claimed mechanical pencil, because they both have a central duck allowing the passage of a single lead from the lead reservoir toward the rear end of the chuck. The skilled person would have known that with a movable member having a central duct allowing the passage of a single lead, the movement of the rear end of the chuck at one end of the central duct, will have no effect on the lead becoming jammed at the other end of the duct. Moreover, even assuming that the person of ordinary skill in the art would have introduced the relative movement between the chuck and the movable member of Leistenschneider to Kageyama, he would not have obtained the object of the independent claims. On the one hand, he would have no reason to suppress the secondary cushion resilient member (12) or, on the other hand, he would have likely immobilized the sleeve (8) of Kageyama because Leistenschneider indicates expressly that the bush (40) must be securely fixed to the barrel.

As noted above, Leistenschneider contains no teaching about a cushioning function and there is no reason for the skilled person to combine it with Kageyama. Even if the skilled person would have done so, he would not have obtained the claimed mechanical pencil in a predictable manner because the skilled artisan would have to suppress additional resilient

U.S. Application Serial No.: 10/577,007
Filed: April 24, 2006
Docket No.: 11348-020-999
CAM No.: 601909-999019
Response to Office Action Mailed April 28, 2009

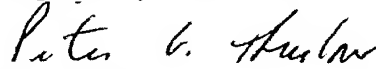
member (12) of Kageyama, but would have to keep the sleeve (8) of Kageyama movable and not fixedly secured with respect to the barrel as taught by Leistenschneider.

Consequently, the amended independent claims 16, 31, and 32 are considered patentable over Kageyama in view of Leistenschneider, when considered separately or in combination.

In light of the above amendments and remarks, Applicants respectfully request that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Date: August 28, 2009

Respectfully submitted,



47,138

Peter G. Thurlow

(Reg.No.)

JONES DAY

222 East 41st Street

New York, New York 10017

(212) 326-3694